

Where an execution is in the hands of the sheriff before the receiver is appointed, and the levy is made before he takes possession of the property, the receiver (under section 382 of the code of 1904) takes title subject to the execution. *Prentiss Co. v. Whitman Co.*, 88 Md. 243.

Section 382 of the code of 1904, referred to in discussing the liability of a receiver who enters upon demised property for the rent thereof. *Gaither v. Stockbridge*, 67 Md. 237 (dissenting opinion).

Preferences; the insolvent law.

On the terms prescribed by section 377 of the code of 1904, corporations other than railroad companies, upon appropriate proceedings in equity, were brought within the operation of a provision of our insolvent system—but not under the system itself—in so far only as respects the preference of one creditor over another, when the corporation was insolvent. Apart from the insolvent laws and the terms of said section 377, the mere fact that a debtor is insolvent will not prevent it from securing a pre-existing creditor by giving the latter a priority over other creditors, *if the transaction is bona fide*. How proceedings to avoid a preference must be had. *Mowen v. Nitsch*, 103 Md. 687. And see *Murphy v. Penniman*, 105 Md. 469; *Hodson v. Karr*, 96 Md. 479; *In Re Storck Lumber Co.*, 114 Fed. 360.

The fact that a bill which prays the appointment of a receiver and the “winding up” of the corporation does not specifically ask for a dissolution of the corporation, held (under sections 376 and 377 of the code of 1904), not to deprive the court of its jurisdiction in a suit to set aside fraudulent preferences. Purpose of said sections. Payments held preferences and set aside. *Clark Co. v. Colton*, 91 Md. 203 (decided in 1900). And see dissenting opinion, page 239.

As to preferences under the insolvent laws, see art. 47, sections 8, 14, and 22.

Generally.

Under the act of 1896, ch. 349, receivers of corporations are placed on the same basis as trustees in insolvency of natural persons, and the date of filing the bill is the time fixed to determine the status of the parties affected by it. A depositor is entitled to set-off the amount of his deposit against the receivers of an insolvent bank. *Colton v. Drivers' Bldg. Assn.*, 90 Md. 93.

When a receiver has been appointed for a mortgagor corporation, the leave of the court having jurisdiction over the receiver should be obtained before the property is sold under the mortgage, but where such sale is reported to that court and ratified thereby, such ratification is valid and binding. *Forest Lake Cemetery v. Baker*, 113 Md. 539.

The operation of the bankrupt law held not to be defeated by a decree of dissolution and appointing receivers, under section 377 of the code of 1904. *In Re Storck Lumber Co.*, 114 Fed. 360.

Section 382 of the code of 1904, referred to in deciding that the right of removal does not apply to proceedings for the forfeiture of chartered franchises. *Bel Air, etc., Club v. State*, 74 Md. 301.

Section 382 of the code of 1904, referred to in denying the priority of the claim of the state against an insolvent insurance company when no proceeding to enforce the claim was taken before the receiver was appointed. *State v. Williams*, 101 Md. 534.

Section 377 of the code of 1904, cited but not construed in *Tompkins v. Sperry, etc., Co.*, 96 Md. 575.

See notes to sections 76 and 78.

1904, art. 23, sec. 385. 1888, art. 23, sec. 272. 1868, ch. 471, sec. 193.

1908, ch. 240, sec. 55.

80. Upon the dissolution of any corporation of this State in any manner otherwise than by judicial proceedings, and until other persons shall be appointed as receivers by some court of competent jurisdiction, the directors at the time of dissolution shall become and be trustees for the creditors, stockholders and members of the corporation so dissolved. They shall take title to its assets, real and personal, and shall have full